

REDACTED

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

FILED

MAR 10 12 54 PM '05

UNITED STATES OF AMERICA,

Plaintiff

v.

FRANCIS R. MITCHELL,

a/k/a "Bob,"

Defendant.

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Criminal Action No. 05- 16

CLERK  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

**INDICTMENT**

The Federal Grand Jury for the District of Delaware charges that:

**COUNTS I-IV**

On or about the dates set forth below, in the District of Delaware, FRANCIS R. MITCHELL, defendant herein, then a resident of New Castle County, Delaware, did willfully make and subscribe a United States Individual Income Tax Return, Form 1040, for the calendar years set forth below, which was verified by a written declaration that it was made under the penalties of perjury, and was filed with the United States Internal Revenue Service; which said income tax return he did not believe to be true and correct as to every material matter, in that the said income tax return reported total income in the amounts set forth below, whereas, as he then and there well knew and believed, he had other income in addition to that heretofore stated, to wit, the amounts set forth below:

| <u>Count</u> | <u>Date of Return</u> | <u>Tax Year</u> | <u>Reported Income</u> | <u>Additional Income</u> |
|--------------|-----------------------|-----------------|------------------------|--------------------------|
| I            | April 14, 1999        | 1998            | \$230,251.00           | \$192,346.62             |
| II           | September 18, 2000    | 1999            | \$188,418.00           | \$210,154.57             |
| III          | October 12, 2001      | 2000            | \$148,629.00           | \$ 52,755.00             |
| IV           | June 18, 2002         | 2001            | \$275,562.00           | \$ 82,245.00             |

All in violation of Title 26, United States Code, Section 7206(1).

#### COUNTS V-VI

On or about the dates set forth below, in the District of Delaware, FRANCIS R. MITCHELL, defendant herein, then a resident of New Castle County, Delaware, did willfully make and subscribe a United States Corporate Income Tax Return, Form 1120 (tax year 1998) and 1120S (tax year 1999), for the calendar years set forth below, for Bob's Discount Adult Bookstore, Inc., which was verified by a written declaration that it was made under the penalties of perjury, and was filed with the United States Internal Revenue Service; which said income tax return he did not believe to be true and correct as to every material matter, in that the said income tax return reported gross receipts in the amounts set forth below, whereas, as he then and there well knew and believed, he had other gross receipts in addition to that heretofore stated, to wit, the amounts set forth below:

| <u>Count</u> | <u>Date of Return</u> | <u>Tax Year</u> | <u>Reported Receipts</u> | <u>Additional Receipts</u> |
|--------------|-----------------------|-----------------|--------------------------|----------------------------|
| V            | March 29, 1999        | 1998            | \$327,282.00             | \$192,346.62               |
| VI           | May 22, 2000          | 1999            | \$352,747.00             | \$210,154.57               |


All in violation of Title 26, United States Code, Section 7206(1).

A TRUE BILL:

\_\_\_\_\_  
Foreperson

COLM F. CONNOLLY  
United States Attorney

BY:

  
\_\_\_\_\_  
Keith M. Rosen  
Assistant United States Attorney

Dated: March 10, 2005